WPSS 1107 of 2007

Hon'ble M.M. Ghildiyal,J.

Heard Sri M.C. Kandpal, learned Senior counsel assisted by Sri S.S. Chaudhary, Advocate and Sri N.P. Shah, learned Standing Counsel for the State of Uttarakhand for the respondents.

The stand of the petitioner, who is working as Assistant teacher, is that she was transferred from Sunola, Hawalbagh, Almora to Kangari, Dhauladevi, Almora. Aggrieved by the transfer order, petitioner earlier filed a writ petition for a direction to the respondent to decide the representation of the petitioner. Considering the representation of the petitioner, the petitioner has been transferred from Primary School Sunola, Hawalbagh, Almora to Primary School Bhat Nayal Jula, Hawalbagh, Almora. Again the petitioner has challenged this impugned order dated 31.07.2007.

It is well settled law that transfer order generally should not be interfered by the Court.

Learned counsel for the petitioner has submitted that the petitioner is a patient of rheumatoid arthritis and he will have to go 5 kms. on foot, if she is compelled to join the new place of posting.

At this stage, I do not intend to interfere with the transfer order. However, the petitioner may approach the appropriate authority when the general transfers are made in the month of May, June and it is expected from the Authority that they will consider the medical problem of the petitioner and pass suitable order for her transfer.

Accordingly, the writ petition is dismissed in limine. All the pending applications stand disposed of.

(M.M.G., J.)

06.11.2007:

VKS